

30-46-10. Definitions. For the purpose of the child abuse and neglect registry, the following definitions shall apply.

(a) "Abuse" means ~~any act specified~~ "physical, mental or emotional abuse" or "sexual abuse," as these two terms are defined in K.S.A. 38-2202(x) or (cc), and amendments thereto and as "sexual abuse" is further defined in this regulation, involving a child who resides in Kansas or is found in Kansas, regardless of where the act occurred. ~~This~~ The term "abuse" shall include any act that occurred in Kansas, regardless of where the child is found or resides~~-,~~ and shall include any act, behavior, or omission that impairs or endangers a child's social or intellectual functioning.

The term "abuse" may include the following:

(1) Terrorizing a child, by creating a climate of fear or engaging in violent or threatening behavior toward the child or toward others in the child's presence that demonstrates a flagrant disregard for the child;

(2) emotionally abandoning a child, by being psychologically unavailable to the child, demonstrating no

attachment to the child, or failing to provide adequate nurturance of the child; and

(3) corrupting a child, by teaching or rewarding the child for unlawful, antisocial, or sexually mature behavior.

(b) "Alleged perpetrator" means the person identified in the initial report or during the investigation as the person suspected of perpetrating an act of abuse or neglect.

(c) "Child" means anyone under the age of 18 or anyone under the age of 21 and in the custody of the secretary pursuant to K.S.A. 38-2255 and amendments thereto.

(d) "Child abuse and neglect registry" means the list of names for individuals identified by the department as substantiated perpetrators.

(e) "Child care facility" has the meaning specified in K.S.A. 65-503 and amendments thereto.

(f) "Department" means the Kansas department ~~of social and rehabilitation services~~ for children and families.

(g) "Investigation" means the gathering and assessing of information to determine if a child has been harmed, as

defined in K.S.A. 38-2202 ~~(k)~~ and amendments thereto, as the result of abuse or neglect, to identify the individual or individuals responsible, and to determine if the individual or individuals identified should reside, work, or regularly volunteer in a child care facility.

~~(h) "Mental or emotional abuse" has the meaning specified in K.S.A. 38-2202(x), and amendments thereto, and shall include any act, behavior, or omission that impairs or endangers a child's social or intellectual functioning. This term may include the following:~~

~~(1) Terrorizing a child, by creating a climate of fear or engaging in violent or threatening behavior toward the child or toward others in the child's presence that demonstrates a flagrant disregard for the child;~~

~~(2) emotionally abandoning a child, by being psychologically unavailable to the child, demonstrating no attachment to the child, or failing to provide adequate nurturance of the child; and~~

~~(3) corrupting a child, by teaching or rewarding the child for unlawful, antisocial, or sexually mature behavior.~~

~~(i)~~ "Neglect" has the meaning specified in K.S.A. 38-2202~~(s)~~, and amendments thereto, involving a child who resides in Kansas or is found in Kansas, regardless of where the act or failure to act occurred. This term shall include any act or failure to act that occurred in Kansas, regardless of where the child is found or resides.

~~(j)~~(i) "Sexual abuse" has the meaning specified in K.S.A. 38-2202~~(ee)~~, and amendments thereto, and shall include contact solely between children only if the contact also involves force, intimidation, difference in maturity, or coercion.

~~(k)~~(j) "Substantiated perpetrator" and "perpetrator" mean a person who has been validated by the secretary or designee, using clear and convincing evidence, to have committed an act of abuse or neglect, regardless of where the person resides and who ~~should not be permitted to reside, work, or regularly volunteer~~ is prohibited from residing, working, or volunteering in a child care facility pursuant to K.S.A. 65-516, and amendments thereto. These terms shall replace the term "validated perpetrator." (Authorized by K.S.A. 39-708c; implementing K.S.A. ~~2008~~ 2011 Supp. 38-2226 and 38-2230; effective Jan. 2, 1989;

amended Jan. 2, 1990; amended Oct. 1, 1993; amended Jan. 1, 1997; amended Oct. 3, 1997; amended July 9, 2004; amended July 6, 2009; amended, T-30-6-1-12, June, 1, 2012; amended P-_____.)